

Entered -10-17-01- sb
CL 01L0662 - GWENDOLYN BURNS

CLAIM OF: FIREMAN'S FUND INSURANCE
COMPANY as subrogee of James P. Ryan
P.O. Box 26705
Greensboro, NC 27417-6705

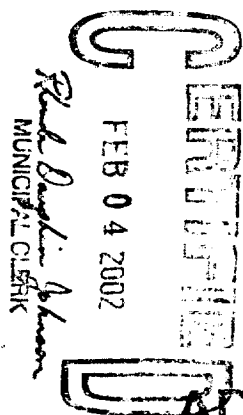
02- R-0120



For vehicular damages alleged to have been sustained from a metal plate that was located in the roadway on December 23, 2000 at North Highland Avenue.

THIS ADVERSED REPORT IS
APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



ADVERSED BY
CITY COUNCIL FEB 04 2002

ADVERSE REPORT

COMM: Public Safety

DATE: JAN 29 2002

CHAIR: [Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

February 11, 2002

Firman's Fund Insurance as
subrogee of James P. Ryan
Attn: Penney Winfree
P.O. Box 26705
Greensboro, NC 27417-6705

02-R-0120

Dear Ms. Winfree:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on February 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: **Claims Division/Law Department**

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0662

Date: January 15, 2002

Claimant /Victim JAMES P. RYAN
BY: (Atty) (Ins. Co.) FIREMAN'S FUND INSURANCE COMPANY
Address: P.O. Box 26705, Greensboro, NC 27417-6705
Subrogation: Claim for Property damage \$ 1,450.00 Bodily Injury \$
Date of Notice: 10/12/01 Method: Written, Proper Improper X
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 12/23/00 Place: North Highland Avenue
Department Division
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that he sustained vehicular damage when he drove over a metal plate in the roadway. However, the claim as presented does not comply with the same requirements of notice as set forth in O.C.G.A. Section 36-33-5(b). The six month statute of limitation expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other X
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

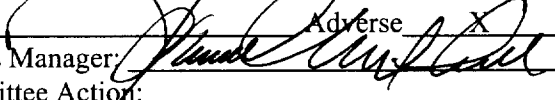
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months X Other Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2H01
Claims Manager:  Concur/date 01-17-02
Committee Action: Council Action

RCS# 3449
2/04/02
4:05 PM

Atlanta City Council

Regular Session

CONSENT I

Pages 1 thru 6: Except 02-O-0004;
02-R-0005;02-O-0006;02-R-0193;02-R-0105
ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 0

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-R-0105
02-R-0193

CORRECTED COPY

CONSENT I

02/04/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

1. 02-O-0169
2. 02-R-0088
3. 02-R-0146
4. 02-R-0147
5. 02-R-0179
6. 02-R-0137
7. 02-R-0138
8. 02-R-0139
9. 02-R-0140
10. 02-R-0141
11. 02-R-0142
12. 02-R-0143
13. 02-R-0144
14. 02-R-0145

**ITEMS ADVERSED ON
CONSENT AGENDA**

15. 02-R-0117
 16. 02-R-0118
 17. 02-R-0119
 18. 02-R-0120
 19. 02-R-0121
 20. 02-R-0122
 21. 02-R-0123
 22. 02-R-0124
 23. 02-R-0125
 24. 02-R-0126
 25. 02-R-0127
 26. 02-R-0128
 27. 02-R-0129
 28. 02-R-0130
 29. 02-R-0131
 30. 02-R-0132
 31. 02-R-0133
 32. 02-R-0134
 33. 02-R-0135
 34. 02-R-0136
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